



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 **Irene Hamby (Estate)**
 Atty **Kruthers, Heather (for Public Administrator)**
 Atty **Rackley, Doris Elaine (Pro Per)**

Case No.07CEPR00763

Status Hearing

DOD: 10-7-06	DORIS ELAINE RACKLEY , Sister, was appointed Administrator with Full IAEA without bond and Letters issued on 8/28/07.	NEEDS/PROBLEMS/COMMENTS:
		1. Need petition for final distribution.
Cont. from 111513, 022114, 061314, 092914, 033015, 092815, 012516	On 11/15/13 , the Court removed Doris Rackley and appointed the PUBLIC ADMINISTRATOR .	Note: The petition for final distribution in the related estate has been filed and set for 6/27/16.
Aff.Sub.Wit.	Status report filed 9/25/15 states Irene's estate cannot be closed until Herbert's closes. The hearing on Herbert's estate was continued to 11/16/15. The Public Administrator anticipates distribution of the property in kind from Herbert's estate and the interest sold in Irene's estate.	
Verified		
Inventory		
PTC		
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Notice of Hrg		
Aff.Mail		
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Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 5/17/16
		Updates:
		Recommendation:
		File 1 – Hamby

Atty Kruthers, Heather (for Public Administrator)

Atty Rackley, Elaine (Pro Per Administrator with Will Annexed)

Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution

DOD: 9-6-05		NEEDS/PROBLEMS/COMMENTS:
Cont. from 092013, 111513, 022114, 061314, 092914, 033015, 060115, 072715, 092115, 111615, 012516		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		OFF CALENDAR First and Final Account filed 5/13/16 is set for hearing on 6/27/16
		Reviewed by: skc
		Reviewed on: 5/17/16
		Updates:
		Recommendation:
		File 2 – Hamby

Attorney Jennifer L. Walters; Lisa M. Horton (for Petitioner Maria Alvarez-Garcia, Trustee)

Fourth Account Current and Report of Trustee; Petition for Its Settlement; for Allowance of Attorneys Fees and Costs Advanced; and for Reimbursement of Costs Advanced by Trustee

		MARIA ALVAREZ-GARCIA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 11/19/2014 – 12/15/2015	
		Accounting - \$192,797.19	1. Need original bank account statements as of the close of accounting period pursuant to Probate Code § 2620(c), filed in a separate affidavit in accordance with Probate Code § 2620(c)(7).
		Beginning POH - \$177,818.06	
		Ending POH - \$186,766.68	
Cont. from		<i>(\$154,943.10 is cash in blocked account)</i>	
<input type="checkbox"/>	Aff.Sub.Wit.	Trustee - waives	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Trustee Expenses - \$2,370.56	
<input type="checkbox"/>	PTC	<i>(see below; for van maintenance and repairs; receipts attached at Exhibit C;)</i>	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$2,961.50	
<input checked="" type="checkbox"/>	Aff.Mail	<i>(for services from 12/23/2014 to 3/31/2016; for .70 hours @ \$245/hour totaling \$171.50; and 12.4 hours @ \$225/hour totaling \$2,790.00;)</i>	2. Need Order for Withdrawal of Funds from Blocked Account for the payment of the requested attorney fees, reimbursement to Petitioner, and van repairs, if approved.
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Attorney Costs - \$435.00	
<input type="checkbox"/>	Pers.Serv.	<i>(filing fee)</i>	
<input type="checkbox"/>	Conf. Screen	Petitioner requests reimbursement of expenses for van maintenance and repair, and for additional funds from the trust for further repair, based upon the following:	
<input type="checkbox"/>	Letters	<ul style="list-style-type: none"> • She is the Beneficiary's grandmother and receives no financial help or assistance from the Beneficiary's father or his mother; 	
<input type="checkbox"/>	Duties/Supp	<ul style="list-style-type: none"> • She pays the majority of the Beneficiary's food, hygiene necessities, clothing, entertainment, school supplies, etc., from her own personal funds; 	
<input type="checkbox"/>	Objections	<ul style="list-style-type: none"> • Petitioner also paid for a majority of the regular maintenance and repairs on the van, which is a Trust asset (shown on <i>Schedule E</i>); 	
<input type="checkbox"/>	Video Receipt	<ul style="list-style-type: none"> • Between 8/2013 and 11/2015, Petitioner paid a total of \$2,370.56 in maintenance and repairs on the van as shown in <i>Exhibit C</i>, and she requests reimbursement of that sum; 	
<input type="checkbox"/>	CI Report	<ul style="list-style-type: none"> • Petitioner received an invoice of \$3,005.55 for further van repairs needed, including new tires (\$952.31) (copy attached as <i>Exhibit D</i>), and requests a total of \$3,957.86 for the necessary repairs and new tires on the van. 	
<input type="checkbox"/>	2620	<input checked="" type="checkbox"/>	Reviewed by: LEG
<input checked="" type="checkbox"/>	Order		Reviewed on: 5/17/16
<input type="checkbox"/>	Aff. Posting		Updates:
<input type="checkbox"/>	Status Rpt		Recommendation:
<input type="checkbox"/>	UCCJEA		File 4- Carbajal
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	~Please see additional page~	

Petitioner prays for an Order:

1. Approving, allowing and settling the Fourth Account and Report of the Trustee;
2. Approving all acts and transactions of the Trustee as set forth in the report;
3. Authorizing payment of the attorney fees and cost reimbursement;
4. Authorizing reimbursement to Petitioner for the **\$2,370.56** she paid for necessary repairs and maintenance for the Trust; and
5. Authorizing Petitioner to withdraw the sum of **\$3,957.86** from the blocked account for the necessary repairs and new tires on the van.

Note: Court will set a status hearing in one of the following alternatives:

- **Thursday, February 16, 2017 at 9:00 a.m. in Dept. 303** (1-year account) for filing of the 5th account;

OR

- **Thursday, February 22, 2018 at 9:00 a.m. in Dept. 303** (2-year account) for filing of the 5th account.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the dates listed, the hearing will be taken off calendar and no appearance will be required.

Attorney Cunningham, Nikole E. (of McCormick Barstow, for Michelle K. Johnson – Daughter)
 Respondent Reynolds, Christine (formerly represented by Attorney Natalie R. Nuttall)

Status Re: Opening Probate for Distribution as Contemplated in the Settlement Agreement

DOD: 10/3/12	Estate History:	NEEDS/PROBLEMS/COMMENTS:
Cont. from 042516	MICHELLE K. JOHNSON , Daughter, filed a Petition for Letters of Administration on 1/22/13. The petition estimated personal property valued at \$47,000 and real property valued at \$150,000 (total est. estate value \$197,000).	<u>Minute Order 4/25/16:</u> Counsel argues that there is no need for probate as the §850 petition was filed and settled. If the Court decides to dismiss the matter before the status hearing, then no appearance will be necessary on 5/23/16.
Aff.Sub.Wit.		
Verified		
Inventory	Minute Order 2/21/13 (hearing on Petition for Letters of Administration) stated: Mr. Russo is appearing for Christine Reynolds, a beneficiary. Mr. Russo informs the Court that he has just been retained and is in possession of Will and trust documents . Ms. Cunningham contests the Will and Trust indicated by Mr. Russo. Mr. Russo informs the Court that he will be filing a petition. Parties agree that this matter will be continued to the date agreed upon by all counsel once Mr. Russo's petition is filed.	As of 5/17/16, the following issue remains noted:
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	On 4/9/13, Ms. Johnson also filed a Petition for findings of Financial Elder Abuse, Conversion, and Recovery of Estate Property (Prob. Code §850) .	<u>SEE ADDITIONAL PAGES</u>
Letters		
Duties/Supp	CHRISTINE REYNOLDS , respondent and friend of decedent, filed an Objection to the Petition for finding of Elder Abuse, etc., on 7/2/13.	
Objections		
Video Receipt	On 7/8/13, the 850 petition was set for settlement conference.	
CI Report		
9202		
Order	On 1/7/14, Ms. Reynolds filed an Ex Parte Petition for Letters of Special Administration, which was granted on 1/7/14. Order authorized Ms. Reynolds to obtain financial account statements. The order expired 4/7/14.	Reviewed by: skc
Aff. Posting		Reviewed on: 5/17/16
Status Rpt		Updates:
UCCJEA		Recommendation:
Citation		File 6- Smith
FTB Notice	Later, on 6/9/14, Ms. Johnson filed a Petition for Letters of Special Administration for the same purpose. At hearing on 7/16/14, the petition was granted for the limited purpose of securing information regarding accounts in the decedent's name. The order expired 10/16/14.	
	<u>SEE ADDITIONAL PAGES</u>	

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At status hearing re special administration on 10/16/14, the matter was set for settlement conference and trial. Minute Order of 10/6/15 states that a written agreement is signed in open court and the Court ordered that the settlement and release signed today will constitute the settlement of all outstanding issues with regard to this estate. Ms. Cunningham to file a copy of the agreement. Trial vacated.

On 10/6/15, Notice of Settlement was filed. The Settlement and Release Agreement provides that the parties agree to sell the house and divide the proceeds. In addition, Ms. Johnson will receive all remaining proceeds from the sale of the decedent's insurance company, estimated at \$25,000, and all personal property and vehicle currently held in Ms. Reynolds' name. The parties agree that "Petitioner shall cause the Action to be dismissed with prejudice" within 10 days after close of escrow.

Note: On 2/26/16, Attorney Nuttall substituted out as Ms. Reynolds' attorney of record.

On 3/10/16, Ms. Johnson submitted a Request for Dismissal of the entire action. Dismissal was not entered because upon review of the settlement agreement, it appeared that the parties had agreed to sale and distribution of assets, but the estate had never been formally opened for authority to do so. Therefore, the Court set this status hearing and sent notice to Ms. Johnson's attorney.

On 4/12/16, a second Request for Dismissal of the Petition for Letters of Administration was filed. Again, dismissal was not entered because this status hearing was upcoming.

Status Report filed 4/18/16 by Attorney Ryan Marshall of McCormick Barstow states: Although a substitution of attorney has not been received by Petitioner's counsel, he is informed and believes that Respondent Christine Reynolds is currently in pro per. Petitioner's counsel is unaware of her address, so this report was served to Attorney Nuttall. This matter initially settled on 10/6/15 and the agreement was reduced to writing. The agreement addressed distribution of the vehicle, the remaining proceeds from the decedent's business, the procedure for preparing the residence occupied by Respondent to be sold, the division of the residence sale proceeds, and Petitioner taking possession of certain personal property from the residence. Pursuant to the settlement agreement, Petitioner took possession of the personal property, the vehicle, and the business sale proceeds. The residence was sold in January 2016. A further agreement was reached on or about 2/16/16 re allocation of sale proceeds. See attached. Petitioner and Respondent were issued checks from the office of Petitioner's counsel. As a result of the performance of the settlement agreement and subsequent agreement on proceeds allocation, there are no assets to be distributed, and any necessity to open a probate has been negated. Based on the foregoing, Petitioner requests the Court dismiss this matter in its entirety, with prejudice, without further appearance of counsel.

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. Need authority for distribution of assets pursuant to the settlement agreement including real and personal property with a total estimated estate value of approx. \$200,000 without administration under §8000, appointment of a personal representative, notice to creditors, notice to agencies including Dept. of Health Care Services and the CA Franchise Tax Board per §9202, inventory and appraisal, and final account or waiver thereof.

Although the parties reached a settlement for ultimate distribution, such distribution does not appear appropriate given the above-noted facts.

		NEEDS/PROBLEMS/COMMENTS:
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
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	Sp.Ntc.	
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	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		OFF CALENDAR. <u>Order Settling First and Final Account filed 01/28/2016</u>
		Reviewed by: LV
		Reviewed on: 05/17/2016
		Updates:
		Recommendation:
		File 9- Breeden

Attorney

Jennifer L. Walters (for Robert Hudson and Mary Ann Hudson, Co-Administrators)

Probate Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 9/7/2015	ROBERT HUDSON and MARY ANN HUDSON,	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b), or verified Status Report and proof of service of notice of the Status Hearing pursuant to Local Rule 7.5(B), including notice to GERALD TOMASSIAN per the <i>Request for Special Notice</i> filed 12/3/2015.
	parents, were appointed Co-Administrators with Full IAEA authority without bond on 1/25/2016.	
Cont. from		
Aff.Sub.Wit.	Letters issued on 1/28/2016.	
Verified		
Inventory	X	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.	X	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 5/17/16
		Updates:
		Recommendation:
		File 12- Hudson

Petition to Determine Succession to Real Property

DOD: 10/4/14		ANTONIO GONZALES and ROSE PINEDA are Petitioners. (Relationship not stated) 40 days since DOD No other proceedings I&A: \$69,608.00 (not verified by Petitioners, not signed by attorney) (Assets consist of real property in Coalinga, CA, vehicles, accounts.) Decedent died intestate Petitioners request ???? (no Attachment #13)	NEEDS/PROBLEMS/COMMENTS: Continued from 4/25/16. 1. The petition is blank at #9a(3) and (4) re registered domestic partner. 2. Need Attachment #11, which should provide the legal description of the real property, a description of the personal property, and state the decedent's interest in all assets. 3. Need Attachment #13, which should state the specific property interest claimed by each petitioner. 4. Need Attachment #14, which should list all heirs (names, ages, relationships) pursuant to Probate Code §13152(a)(7). If deceased, need date of death pursuant to Local Rule 7.1.1.D. 5. The Inventory and Appraisal attached to the petition is not verified by the petitioners or signed by the attorney. 6. If there are other persons listed at Attachment #14, need notice to those entitled. 7. Need revised proposed order with attachments 9a and 9b. (Attaching only the I&A descriptions is not appropriate.)	
Cont. from 042516				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			x
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			x
<input checked="" type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
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<input checked="" type="checkbox"/>	Order	x		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: skc
Reviewed on: 5/17/16
Updates:
Recommendation:
File 17- Gonzales

Status RE: Filing of an Amended Petition

		<p>ROCHELLE ROSENBALM, Conservator with bond of \$774,480.48, filed her First and Final Account on 2/16/16.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>Examiner Notes indicated various deficiencies.</p>	<p>OFF CALENDAR Amended petition filed 5/10/16 is set for hearing on 6/22/16</p>
<p>Cont. from 050916</p>			
	Aff.Sub.Wit.	<p>At hearing on 3/28/16, the Court set this status hearing for the filing of an amended petition.</p>	
	Verified		
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	Sp.Ntc.		
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	Letters		
	Duties/Supp		
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	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA	Reviewed on: 5/17/16	
	Citation	Updates:	
	FTB Notice	Recommendation:	
		File 28- Keehn	